

Exhibit K

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

MARVELL SEMICONDUCTOR,
INC., MARVELL ASIA PTE,
LTD., and MARVELL INTL,
LTD.

Plaintiffs and
Counterdefendants

CIVIL ACTION

VS.

NO. 6-07-CV-204 LED

COMMONWEALTH SCIENTIFIC
AND INDUSTRIAL RESEARCH
ORGANISATION,

Defendant and
Counterclaimant.

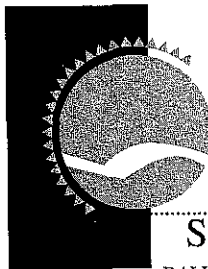
CERTIFICATE OF NONAPPEARANCE

REPRESENTATIVE FOR SONY COMPUTER

ENTERTAINMENT AMERICA, INC.

JANUARY 28, 2010

Reported by: Jan Newman Carter
Job No. 83137



ORIGINAL

Sunbelt Reporting & Litigation Services

DALLAS/FORT WORTH
15150 Preston, Ste. 300
Dallas, Texas 75248
214•747•0763

CORPORATE OFFICE
6575 West Loop South, Ste. 580
Houston / Bellaire, Texas 77401
713•667•0763

SAN ANTONIO
8000 IH-10 West, Ste. 1500
San Antonio, Texas 78230
210•342•0763

CORPUS CHRISTI
711 N. Carancahua, Ste. 700
Corpus Christi, Texas 78475
361•882•0763

AUSTIN
6448 Hwy. 290E, Ste. E105
Austin, Texas 78723
512•465•9100

EAST TEXAS
102 North College, Ste. 1014
Tyler, Texas 75702
903•593•3213

CERTIFICATE OF NONAPPEARANCE

A P P E A R A N C E S

FOR COMMONWEALTH SCIENTIFIC AND
INDUSTRIAL RESEARCH ORGANISATION

JESSICA L. HANNAH
CAPSHAW & DERIEUX, LLP
THE ENERGY CENTRE
1127 JUDSON ROAD, SUITE 220
LONGVIEW, TEXAS 75601
(903) 236-9800

CERTIFICATE OF NONAPPEARANCE

CERTIFICATE OF NONAPPEARANCE

I, Jan Newman Carter, a Certified Shorthand Reporter in and for the State of Texas, certify:

That I appeared at the Anderson County Courthouse Annex, 703 N. Mallard, Room 103B, Palestine, Texas, on January 28, 2010, to report the deposition of a Representative for Sony Computer Entertainment America, Inc., pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure scheduled for 9:00 a.m.

That by 9:22 a.m., a Representative for Sony Computer Entertainment America, Inc., had not appeared for their deposition. Present for the deposition were:

JESSICA L. HANNAH

I further certify that I am neither employed nor related to any attorney or party in this matter and have no interest, financial or otherwise, in its outcome.

Given under my hand and seal of office on this the 3rd day of February, 2010.



Jan Newman Carter, Texas CSR 6062
Expiration Date: 12/31/10
Sunbelt Reporting & Litigation
East Texas Branch
102 N. College, Suite 1014
Tyler, Texas 75703
(903) 593-3213

AO 88A (Rev. 06/09) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Texas

MARVELL SEMICONDUCTOR, INC., et al.,

Plaintiff

v.

COMMONWEALTH SCIENTIFIC AND INDUSTRIAL
RESEARCH ORGANISATION

Defendant

Civil Action No. 6:07-cv-204 LED

(If the action is pending in another district, state where:

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Sony Computer Entertainment America, Inc., 919 E. Hillsdale Blvd. #200, Foster City, CA 94404, which can be served at CSC - Lawyers Inco., 211 E. 7th Street #620, Austin, Texas 78701

☒ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is *not* a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: The Anderson County Courthouse Annex, 703 N. Mallard #103B, Palestine, Texas 75801 or other location as agreed by the parties

Date and Time:

01/28/2010 9:00 am
or other dates/times agreed by partiesThe deposition will be recorded by this method: stenographically transcribed by a court reporter

☐ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 01/21/2010

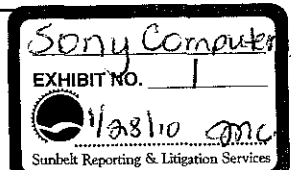
CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Commonwealth Scientific and Industrial Research Organisation, who issues or requests this subpoena, are:
Jessica L. Hannah, Capshaw DeRieux LLP, 1127 Judson Road #220, Longview, Texas 75601
jhannah@capshawlaw.com, 903-233-4823



AO 88A (Rev. 06/09) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 6:07-cv-204 LED

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for (name of individual and title, if any) STEVE R HALL CIVIL PROCESS SERVER
 was received by me on (date) 1-21-10 AT 2:05 PM

☒ I served the subpoena by delivering a copy to the named individual as follows: SONY COMPUTER
ENTERTAINMENT AMERICA INC DELIVERED TO REGISTERED AGENT CSC-LAWYERS
INCO 211 E. 7TH STREET AUSTIN, TEXAS on (date) 1-21-10 AT 3:20 PM
DELIVERED TO SUE VERTREES CUSTOMER SERVICE LEADER
☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ NONE

My fees are \$ 80.00 RUSH for travel and \$ _____ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

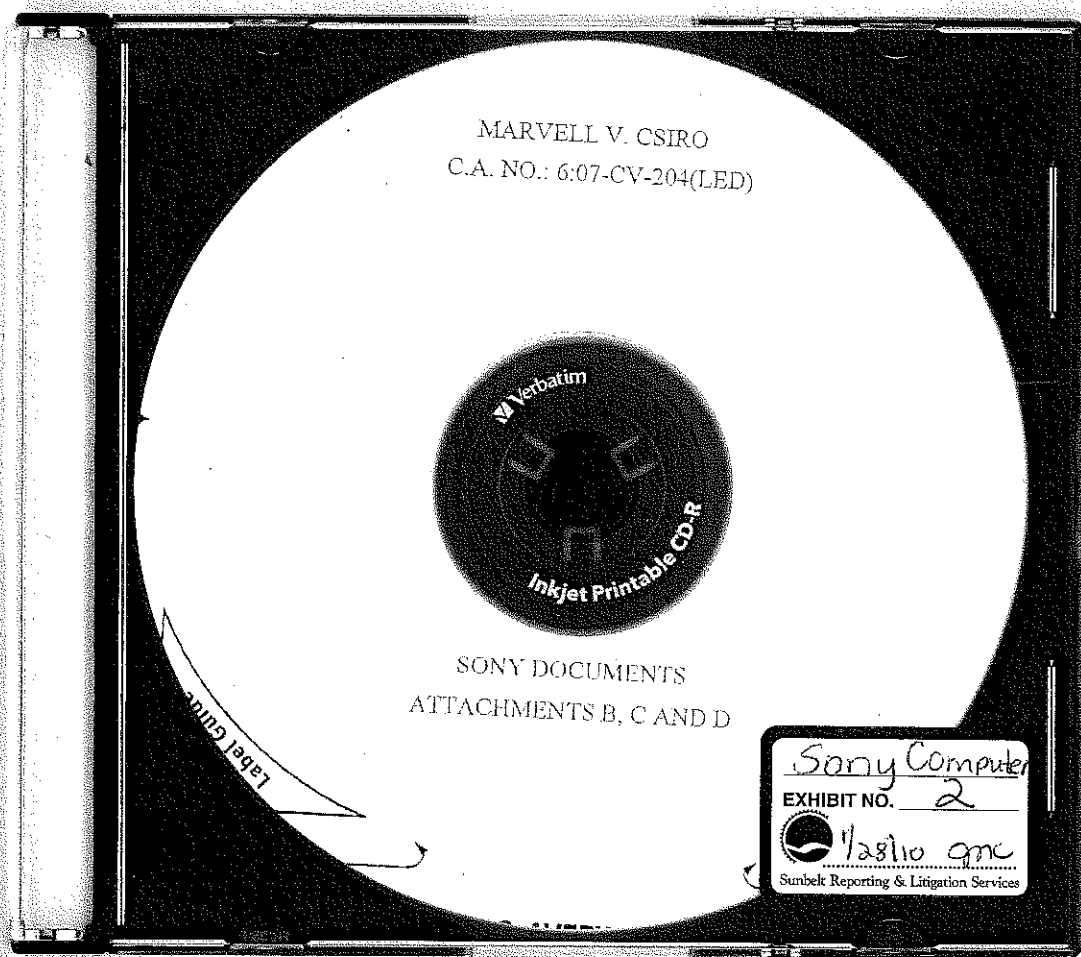
Date: 1-21-10

Steve R Hall
 STEVE R HALL Server's signature
3300 BEE CAVE RD # 650
 Printed name and title
AUSTIN, TEXAS 78746

 Server's address

Additional information regarding attempted service, etc:

AVERY®
PV119C



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

MARVELL SEMICONDUCTOR, INC.
MARVELL ASIA PTE., LTD., and MARVELL
INTL., LTD,

Plaintiffs and
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v.

COMMONWEALTH SCIENTIFIC AND
INDUSTRIAL RESEARCH ORGANISATION,

Defendant and
Counterclaimant.

Civil Action No. 6-07-CV-204 LED

Jury Trial Demanded

**COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH
ORGANISATION'S NOTICE OF INTENT TO DEPOSE A REPRESENTATIVE FOR
SONY COMPUTER ENTERTAINMENT AMERICA, INC. PURSUANT TO
FED. R. CIV. PRO. 30(B)(6)**

PLEASE TAKE NOTICE that pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Plaintiff Commonwealth Scientific and Industrial Research Organisation will take the deposition upon oral examination of Sony Computer Entertainment America, Inc., 919 E. Hillsdale Boulevard, Suite 200, Foster City, CA 94404-2176, commencing on Thursday, January 28, 2010, at 9:00 a.m. or other date and time as agreed by the parties. Sony Computer Entertainment America, Inc. can be served through its registered agent for service of process Corporation Service Company d/b/a CSC – Lawyers Inco, 211 E. 7th Street, Suite 620, Austin, Texas 78701. This notice is a continuation of, and adds no new substance to, the notice served on Friday, November 20, 2009, in order to accommodate Sony Computer Entertainment America's request for a more convenient location. The deposition will be conducted at the Anderson County Courthouse Annex, 703 N. Mallard #103B, Palestine, Texas 75801, or other

such place as agreed upon by the parties. Sony Computer Entertainment America, Inc. is directed to designate and produce one or more of its officers, directors, managing agents, or other designated persons to testify on its behalf as to the information known or reasonably available to Sony Computer Entertainment America, Inc. concerning the matters set forth in ATTACHMENT A.

This is an independent Rule 30(b)(6) notice that does not supersede, modify, or affect in any manner other Rule 30(b)(6) notices that have been served during this litigation.

The deposition will be recorded stenographically before a notary Public or other officer authorized to administer oaths, and shall continue day-to-day, excluding weekends and holidays, until completed.

DATED: January 21, 2010 Respectfully submitted,

By: /s/ Jessica L. Hannah
S. Calvin Capshaw
State Bar No. 03783900
Elizabeth L. DeRieux
State Bar No. 05770585
D. Jeffrey Rambin
State Bar No. 00791478
Jessica L. Hannah
CA State Bar No. 261802
Capshaw DeRieux, LLP
1127 Judson Rd., Suite 220
Longview, Texas 75601
Telephone: (903) 236-9800
Facsimile: (903) 236-8787
E-mail: ccapshaw@capshawlaw.com
E-mail: ederieux@capshawlaw.com
E-mail: jrambin@capshawlaw.com
E-mail: jhannah@capshawlaw.com

**Attorneys for Defendant,
COMMONWEALTH SCIENTIFIC AND
INDUSTRIAL RESEARCH ORGANISATION**

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served the 21st day January, 2010, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3), or to the extent not available in that manner, counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Jessica L. Hannah
Jessica L. Hannah

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

MARVELL SEMICONDUCTOR, INC.
MARVELL ASIA PTE., LTD., and MARVELL
INTL., LTD,

Plaintiffs and
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INDUSTRIAL RESEARCH ORGANISATION,

Defendant and
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Civil Action No. 6-07-CV-204 LED

Jury Trial Demanded

ATTACHMENT A

Definitions

The following terms and definitions shall apply to this Notice:

- 1) "And" as used herein shall mean and/or;
- 2) "Identification," "identify," or "identify," when used with reference to:
 - a. An individual person means to state his or her full name, present or last known employer, job title, present or last known residential address and telephone number, and present or last known business address and telephone number;
 - b. A business entity means to state the full name and address of the entity and the names and positions of the individual or individuals connected with such entity who have knowledge of the information requested; and
 - c. A document means to state the type of document (letter, report, fact sheet, etc.); its date, author(s) or originator(s), addressees; all individuals who received copies of the document; the identity of the persons known or presumed by you to have

present possession, custody, or control thereof; and a brief description of the subject matter and present location;

- 3) "Person" or "people" shall refer to any natural person, firm association, partnership, corporation, group, organization, or other form of legal business entity.
- 4) "You " or "your" means Sony Computer Entertainment America, Inc. and includes any officers, directors, partners, associates, employees, staff members, agents, representatives, attorneys, foreign or domestic subsidiaries, parents, affiliates, divisions, successors, predecessors, and any other related entities, and specifically includes all assets or companies that have been acquired by Defendant or with respect to which it has succeeded to rights and/or obligations.

Sony Computer Entertainment America, Inc. 30(b)(6) Deposition Topics

- I. The documents, records, reports, and things contained in ATTACHMENT B and videos contained in ATTACHMENT D, (collectively referred to as "Material at Issue") including:
 - A. The identification of the Material at Issue;
 - B. Confirmation or denial that the Material at Issue is or was publicly available on your website;
 - C. Confirmation or denial that Material at Issue was placed on the web by you;
 - D. Confirmation or denial that the originals of the Material at Issue are within your "possession, custody or control" under Fed.R.Civ.P. 26(a)(1)(A)(ii);
 - E. Confirmation or denial that the Material at Issue was *made* in the regular course of your business;
 - F. Confirmation or denial that the Material at Issue was *kept* in the regular course of your business;
 - G. Confirmation or denial that the Material at Issue was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters;
 - H. Confirmation or denial that the entries on or contained in the Material at Issue were made at or near the time of the act, event, statement, information, or transaction recorded or reflected in the Material at Issue;
 - I. Confirmation or denial that it was in the regular course of your business for a person with knowledge of the acts, events, statements, conditions, or opinions recorded or reflected in or on the Material at Issue to make or record or transmit the information to be included in the Material at Issue; and
 - J. Discussion, exploration, explanation, or investigation of the items above if the answers are anything other than a whole and unqualified confirmation, and to the extent that such answers are required, the documents, reports, videos, and other materials will be referred to separately as needed.
- II. Confirm the identity of the following corporate officers:
 - A. Howard Stringer;

- 1) Ryoji Chubachi; and
- 2) Kazuo Hirai.

III. Confirm statements attributed to you in the article(s) in ATTACHMENT C.

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MARVELL SEMICONDUCTOR, INC.
MARVELL ASIA PTE., LTD., and MARVELL
INTL., LTD,

Plaintiffs and
Counterdefendants,

V.

COMMONWEALTH SCIENTIFIC AND
INDUSTRIAL RESEARCH ORGANISATION,

Defendant and
Counterclaimant.

Civil Action No. 6-07-CV-204 LED

Jury Trial Demanded

ATTACHMENT B

See file(s) contained on CD which was served on November 20, 2009.

A second copy will be sent via FedEx.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

TYLER DIVISION

MARVELL SEMICONDUCTOR, INC.
MARVELL ASIA PTE., LTD., and MARVELL
INTL., LTD,

Plaintiffs and
Counterdefendants,

v.

COMMONWEALTH SCIENTIFIC AND
INDUSTRIAL RESEARCH ORGANISATION,

**Defendant and
Counterclaimant.**

Civil Action No. 6-07-CV-204 LED

Jury Trial Demanded

ATTACHMENT C

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Counterdefendants,

V.

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INDUSTRIAL RESEARCH ORGANISATION,

Defendant and
Counterclaimant.

Civil Action No. 6-07-CV-204 LED

Jury Trial Demanded

ATTACHMENT D

See file(s) contained on CD which was served on November 20, 2009.

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